



THE CORPORATION OF THE TOWN OF FORT ERIE

SCHEDULE "3" - By-law No. 217-05

AUCTIONEER

1. DEFINITIONS

In this Part:

- (a) "Auction" means the sale of or putting up for sale to the public goods, wares, merchandise, effects or the like which are intended to be sold or are sold to the highest bidder;
- (b) "Auctioneer" shall mean any person selling or putting up for sale goods, wares, merchandise or effects by public auction and shall be deemed an Auctioneer within the meaning of this Schedule;
- (c) "Beater" or "Booster or Shills" means a person working in concert with an Auctioneer for the purpose of increasing the sale price of an item being auctioned by establishing a first bid on the item or bidding higher than a bid already established on the item;
- (d) "Ledger" means a record maintained in the English language containing the name and address of every person depositing goods with the Auctioneer to be sold, a full description of such goods, the reserved bid, if any, on such goods, the name and address of the purchaser of such auctioned goods, or any part thereof;
- (e) "Mock Auction" means the auctioning of goods wherein the Auctioneer leads persons in attendance to believe that a bid has been made by a potential purchaser on an item being auctioned when in fact such a bid has not been made; and
- (f) "Reserved Bid" means the minimum sale price of an item to be auctioned as recorded in the Auctioneer's ledger as established by the person depositing the item with the Auctioneer to be sold.

2. PURPOSE OF BY-LAW

The purpose for requiring an Auctioneer's Licence and for the conditions set out in this Schedule is related to matters of Consumer Protection.

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3. LICENCE REQUIRED

- (a) A separate Licence shall be required for each Auctioneer;
- (a) No person shall operate an Auction unless the Auctioneer is licenced under this by-law.

4. LICENCE FEE

The annual licencing fee shall be as established in **Schedule “LLS-A”** of By-law No. 40-09 as amended or superseded from time to time.

5. CONDITIONS

5.1 Every Auctioneer licenced under this by-law shall:

- (a) Keep and maintain a clearly legible, up-to-date Ledger at all times;
- (b) Ensure that every Ledger required pursuant to this Schedule shall be provided for inspection upon demand by the Coordinator, Community Liaison and Business Licencing or an Officer;
- (c) Keep and maintain in good condition each Ledger for a minimum of twelve (12) months after the date of the last Ledger entry;
- (d) Shall ensure that his/her licence is displayed in a conspicuous place clearly visible to the public at the site of each Auction at all times.

5.2 No Auctioneer shall:

- (a) Conduct a Mock Auction or knowingly or willfully make, or permit to be made, any misrepresentation as to the quality or value of any item being auctioned;
- (b) Sell or put up for sale by auction any item on which a Reserved Bid has been established without first advising those persons in attendance that there is a Reserved Bid on the item;
- (c) Permit any disorder in his or her auction room or offices;

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- (d) Knowingly make or permit to be made any misrepresentation as to the nature, content, quantity or value of any goods, wares, merchandise or effects which may be offered for sale by him or her;
- (e) Give away articles or sell them for nominal amounts for the purpose of stimulating bidding;
- (f) Do any act that is calculated to or which may reasonably have the effect of confusing a purchaser as to the amount he or she pays for any article(s);
- (g) Avail himself or herself of the services of, or act in concert with, persons known in the trade as “beaters”, “boosters” or “shills” for the purpose of raising or stimulating bids;
- (h) Shall conduct a sale on Town highways or on Town property without the written permission of the Director of Infrastructure Services of the Town or designate.

6. EXEMPTIONS

Sections 2 and 3 of this Schedule shall not apply to:

- (a) A person conducting an auction from which the proceeds derived are used for a charitable or not-for-profit organization, as defined in Section 1 of this by-law, upon proof satisfactory to the Coordinator, Community Liaison and Business Licencing of such status; or
- (b) A sheriff, bailiff or other statutory authority acting in pursuance of a court order or pursuant to any legislative authority.